

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Plaintiff,

v.

PROGREXION MARKETING, INC., et al.,

Defendants.

Case No. 2:19-cv-00298-BSJ

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THE MOTION TO DISMISS (ECF No. 30)

Pursuant to Local Rule 7-1(b)(4), Defendants respectfully notify the Court of a Memorandum Opinion and Order granting John C. Heath, Attorney at Law, PLLC's motion for a Judgment as a Matter of Law in *The CBE Group Inc. v. John C. Heath Attorney at Law, PLLC*, No. 3:17-CV-2594-L (N.D. Tex. Feb. 6, 2020) (the "CBE Litigation"). (Memorandum Opinion and Order attached as Exhibit A).

The Memorandum Opinion and Order vacated authority that Plaintiff CFPB had cited in its opposition to Defendants' Motion to Dismiss. Specifically, the CFPB had cited earlier proceedings in the CBE Litigation to support its contention that Defendants had engaged in misconduct and "were aware that problems persist" in the credit repair market. (ECF No. 38-1 at 2 n.2).

In the supplemental authority, the District Court held that the debt collector plaintiffs offered no evidentiary or legal basis for their claims of fraud against Lexington Law and, therefore, the debt collector plaintiffs were entitled to take nothing on their claims. (Memorandum Opinion and Order at 17, 20).

Dated: February 12, 2020

Respectfully submitted,

Thomas M. Hefferon*
W. Kyle Tayman*
Goodwin Procter, LLP
1900 N Street, NW
Washington, DC 20036
(202) 346-4000
thefferon@goodwinlaw.com
ktayman@goodwinlaw.com

William J. Harrington*
Goodwin Procter LLP
620 Eighth Avenue
New York, NY 10018
(212) 459-7140
wharrington@goodwinlaw.com

/s/ Karra J. Porter
Karra J. Porter
Christensen & Jensen
257 East 200 South, Suite 1100
Salt Lake City, UT 84111
(801) 323-5000
Karra.porter@chrisjen.com

Attorneys for Defendants
(*admitted *pro hac vice*)

CERTIFICATE OF SERVICE

I certify that on February 13, 2020, I caused the foregoing document to be served on Plaintiff's counsel by electronic mail.

/s/ Karra J. Porter
Karra J. Porter